

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	02-582-1
	:	
CLAYTON LEE WAAGNER	:	CIVIL ACTION
	:	14-550

**ORDER**

**AND NOW**, this 16th day of June, 2014, it is **ORDERED** that Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (ECF No. 149) is **DENIED**. A certificate of appealability will not issue.<sup>1</sup>

s/Anita B. Brody

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ANITA B. BRODY, J.

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<sup>1</sup> In the Third Circuit, a certificate of appealability is granted only if the petitioner makes: "(1) a credible showing that the district court's procedural ruling was incorrect; and (2) a substantial showing that the underlying habeas petition alleges a deprivation of constitutional rights." *Morris v. Horn*, 187 F.3d 333, 340 (3d Cir. 1999). Waagner has not made such a showing.